

IN THE UNITED STATES DISTRICT COURT  
FOR THE NORTHERN DISTRICT OF CALIFORNIA

In re	)	No. C 12-3378 JSW (PR)
	)	
FLEMING SMITH,	)	<b>ORDER OF DISMISSAL</b>
	)	
Plaintiff.	)	
_____	)	

On June 29, 2012, Plaintiff, a California prisoner, wrote a letter to the Court complaining that his rights were being violated. On the same day, the Clerk notified Plaintiff that he had not filed a complaint or a habeas petition. The Clerk also notified him that day that he had neither paid the filing fee nor filed a completed application to proceed in forma pauperis ("IFP"). Along with these deficiency notices, the Clerk mailed to Plaintiff the Court's complaint and IFP forms, instructions for completing the forms, and a stamped return envelope. In the notices, Plaintiff was informed that the case would be dismissed if he did not file a complaint and either pay the filing fee or file a completed IFP application within thirty days. No response from Plaintiff has been received. Accordingly, this case is DISMISSED without prejudice.

The Clerk shall enter judgment and close the file.

IT IS SO ORDERED.

DATED: October 11, 2012

  
JEFFREY S. WHITE  
United States District Judge

UNITED STATES DISTRICT COURT  
FOR THE  
NORTHERN DISTRICT OF CALIFORNIA

FLEMING SMITH,  
Plaintiff,

Case Number: CV12-03378 JSW

**CERTIFICATE OF SERVICE**

v.  
/ et al,

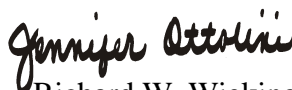
Defendant.

I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on October 11, 2012, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Fleming Smith  
600 Morgan Street  
Santa Rosa, CA

Dated: October 11, 2012



Richard W. Wieking, Clerk  
By: Jennifer Ottolini, Deputy Clerk